Division Bench

(3)

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 2461 **/2005**

HON'BLE D.B.

PUBLIC INTEREST LITIGATION

PETITIONER : Samaru Ram Kurre
Aged about 32 years
S/o. Shri Aasha Ram Kurre
Panch Gram Panchayat Kohka
Resident of Village Kohka,
P.O. Nevra, Tahsil Tilda District
Raipur (C.G.)

P.R. No. 2101/05
Presented by Shri Abhay Tiwari
dated 09.05.05

VERSUS

RESPONDENTS : 1. State of chhattisgarh
Through The secretary
Panchayat & welfare Department
D.K.S. Building
District Raipur (C.G.)

2. Collector
Raipur (C.G.)

3. Sub-Divisional Officer (Gramin)
Office at Near Secretariat
Building, known as Purani
Tahsili Raipur (C.G)

4. The Chief Executive Officer
Janpad Panchayat
Tilda, District Raipur (C.G.)

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09.5.05
CLERK to A. G. BILASPUR

(2) (4)

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5. Shri Tejram Varma
Aged about 36 years
S/o Not Known
Sarpanch Gram Panchayat
Kohka, R/o Village Ghulghul,
P.O. Nevra, Tahsil Tilda District
Raipur (C.G.)

6. Shri Mahesh S/o Punnuram
Dhiwar, Occupation Mystry,
aged about 40 years, R/o
Resident of-Village Kohka,
P.O. Nevra, Tahsil Tilda District
Raipur (C.G.)

7. Shri Chouba Ram Nishad
S/o Brijlal, aged abot 28 years
Labour (Iron Rod Cutter),
Resident of Village Kohka,P.O.
Nevra, Tahsil Tilda District
Raipur (C.G.)

WRIT PETITION U/A 226/ 227 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONER**

As stated above in the cause title.

2. **PARTICULARS OF THE RESPONDENT**

As stated above in the cause title.

3.1 **PARTICULARS OF THE ORDER (S) IMPUGNED AGAINST WHICH PETITION IS MADE.**

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 2461

मामला क्रमांक ..... सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH
Hon'ble Shri Justice V.K. Shrivastava &
Hon'ble Shri Justice Dhirendra Mishra, JJ.

27.3.2006

Smt. Savita Tiwari, counsel for the petitioner.

Shri V.V.S. Murty, Dy. A.G. for the State/respondents No. 1,2 & 3.

Shri Pankaj Shrivastava, counsel for respondents No. 4 & 5.

The instant Public Interest Litigation petition has been filed by the petitioner, averring therein that Gram Panchayat Kohka constructed two buildings under the Integrated Child Development Scheme (for short ICDS) and for the above purpose, a sum of Rs.3,00,000/- (Rupees Three Lakhs) have been sanctioned. However, the quality of the construction of the above buildings was substandard and specifications were not adhered to. Even the necessary reinforcement to be provided in the construction has not been provided and rampant corruption has been practiced. The prayer has been made for a direction to the respondents to conduct enquiry into the matter to ascertain the quality of the construction and submit his report.

This Court vide order dated 20.6.2005, directed the Collector, Raipur, respondent No. 2 to cause an enquiry and submit the report with an affidavit stating therein whether the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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मामला क्रमांक ..... सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

construction under the I.C.D.S. referred to in the petition are in conformity with the technical specifications. The matter was again taken up on 6.3.2006. However, by that date, no report as directed was filed nor any extension of time was sought by respondent No.2. In the aforesaid circumstances, it was directed that the District Collector, Raipur shall appear in person in compliance of the above order. Shri S.K. Singh, Collector, Raipur is present in person and it is submitted on behalf of respondent No. 2 that a detailed affidavit of respondent No. 2 in compliance of the order dated 20.6.2005 along with documents have been filed. So far as delay in submitting the report, it has been stated in the affidavit that immediately after the orders of this Court, the then Collector appointed Sub Divisional Officer, Raipur Shri K.K. Bakshi enquiry officer vide order dated 11.7.2005 and thereafter, a reminder was again sent to him vide memo dated 21.7.2005. However, the delay in filing report has been regretted.

From perusal of the enquiry report which has been filed along with affidavit as Annexure R/2-4, we find that enquiry officer Shri K.K. Bakshi has submitted his report and has certified that both these constructions are fully safe and the same can be used for the public purposes. Along with this report, technical enquiry report has also been submitted by the Executive Engineer of the Public Works Department, Bridge Corporation Division and

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आदेश पत्रक

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मामला क्रमांक ..... सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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according to this report also, construction has been undertaken as per specifications. Even the photographs of the constructed building have been filed with the affidavit.

In the light of the affidavit filed by respondent No. 2, we are of the considered opinion that no further proceedings are required in the instant petition and the same may be disposed of.

Accordingly, the Public Interest Litigation petition is disposed of.

Sd//-
V.K.Shrivastava
Judge

Sd/-
Dhirendra Mishra
Judge

KVR

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